5429480/2022/OP-I-AGC01

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Agriculture & Cooperation Department – Disciplinary Matters - Fertilizer Control Order, 1985 – Zone - I - Drawl of Fertilizer Samples – Wide variation in the analysis report of the 1st and 2nd tests – Disciplinary action initiated against the default Officers, under A.P. Civil Services (CCA) Rules, 1991 – Imposed the punishment of Stoppage of (2) Annual Grade Increments with cumulative effect – Appeal Petition filed before the Government - Petition allowed and considered - Punishments set aside and exonerate the Officers from the Charges framed - Orders – Issued.

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AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Rt.No.38 **Dated: 18.01.2022**

Read the following:

1. Proceedings No.Vig.II(5) 35/2019-1, dt.19.03.2021 of the Commissioner of Agriculture, A.P., Guntur.
2. Proceedings No.Vig.II(5) 35/2019-2, dt.19.03.2021 of the Commissioner of Agriculture, A.P., Guntur.
3. Proceedings No.Vig.II(5) 35/2019-3, dt.19.03.2021 of the Commissioner of Agriculture, A.P., Guntur.
4. Proceedings No.Vig.II(5) 35/2019-4, dt.19.03.2021 of the Commissioner of Agriculture, A.P., Guntur.
5. Proceedings No.Vig.II(5) 35/2019-5, dt.19.03.2021 of the Commissioner of Agriculture, A.P., Guntur.
6. Proceedings No.Vig.II(5) 35/2019-6, dt.19.03.2021 of the Commissioner of Agriculture, A.P., Guntur.
7. Proceedings No.Vig.II(5) 35/2019-7, dt.19.03.2021 of the Commissioner of Agriculture, A.P., Guntur.
8. Proceedings No.Vig.II(5) 35/2019-8, dt.19.03.2021 of the Commissioner of Agriculture, A.P., Guntur.
9. Proceedings No.Vig.II(5) 35/2019-9, dt.19.03.2021 of the Commissioner of Agriculture, A.P., Guntur.
10. Appeal Petition dt.24.08.2021 signed by (14) Agriculture Officers of Agriculture Dept. across Andhra Pradesh received through Endt. No.333, dt.01.09.2021 of Hon'ble Minister for Agriculture.
11. Representation dt.25.08.2021 of the General Secretary, Andhra Pradesh Agriculture Officers Association, Guntur.
12. Govt.Memo.No.AGC01-AGRI/247/2021, A & C (Vig.I) Dept., dt.01/10/2021.
13. From the Commissioner of Agriculture, A.P., Guntur, Lr.No.Vig II(5) 35/2019, Dt: 11.11.2021.

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In the references 1st to 9th read above, the Commissioner of Agriculture, A.P., Guntur has imposed the punishment of "Stoppage of (2) Annual Grade Increments with cumulative effect" on the following Mandal Agriculture Officers & Asst. Directors of Agriculture, Agriculture Department of Zone-I on the charge that during the year 2017-18, the results of the 1st analysis and the check test analysis of fertilizer samples are found to be similar, but there is wide variation in the result of sample submitted to the Appellate Authority for re-analysis (3rd analysis) and when compared to 1st and 3rd analysis, it is evident that mischief occurred before submitting the sample to the Appellate Authority and hence they have contravened the rules and regulations of Fertilizer Control Order, 1985 and violated rule-3 of A.P. Civil Services (Conduct) Rules, 1964:

1. Smt.M.Anuradha, Mandal Agriculture Officer, Gurla, Vizianagaram Dist.
2. Sri B.Sreenivasa Rao, the then Mandal Agriculture Officer, Jami, Vizianagaram Dist.
3. Sri A.Ramesh Babu, Mandal Agriculture Officer, V.Madugula, Visakhapatnam Dist.
4. Smt.K.Govindamma, Mandal Agriculture Officer, Dattirajeru, Vizianagaram Dist.
5. Sri V.Venkataiah, Mandal Agriculture Officer, Salur, Vizianagaram Dist.

(P.T.O)

6. Sri V.Mohan Rao, Asst. Director of Agriculture ®, Narsipatnam, Visakhapatnam Dist.
7. Sri N.Venugopal, Asst. Director of Agriculture ®, Cheepurupalli, Vizianagarram Dist.
8. Smt.R.Annapurna, the then Asst. Director of Agriculture ®, Gajapathinagaram, Vizianagaram Dist.
9. Sri K.Maharrajan, the then Asst. Director of Agriculture ®, Kothavalasa, Vizianagaram District.

2. Aggrieved by the above, the Agriculture Officers have filed Appeal Petition before the Government, in the reference 10th read above, stating that there will be (4) samples in both the zinc sulphate SSP and mixtures; one will be with Asst. Director of Agriculture as guard sample, one will be sent to Lab., one will be with Dealer and the last one will be with the Commissioner & Director of Agriculture, A.P., Guntur as guard sample. On request of the Dealer, after test sample fails, sample with Asst. Director of Agriculture and Dealer will be sent to the Commissioner & Director of Agriculture, A.P., Guntur. Here in the above case, most samples were Dealer samples that were sent to referee Lab. by the Commissioner & Director of Agriculture, A.P., Guntur. Hence, altering the sample at the Office of the Asst. Director of Agriculture is not possible.

3. Further, they have stated that the Enquiry Officer has clearly mentioned in his findings that no procedural lapses have been noticed (i.e., Sealing, Packing, sending to Lab, handing over to safe custody at Asst. Director of Agriculture's Office, receiving by Mandal Agricultural Officer for referee analysis, handing over at coding center for analysis and obtaining acknowledgement as per procedure laid down in Fertilizer Control Order, 1985 and hence they have requested to drop the above said punishment of "Stoppage of (2) Annual Grade Increments with cumulative effect" imposed by the Commissioner of Agriculture, A.P., Guntur against the (26) Officers across the State.

4. In the reference 11th read above, the General Secretary, A.P. Agricultural Officers Association, Guntur has also represented the Government that there are many stake holders in this sampling procedure, i.e., Manufacturer, Dealer, Mandal Agriculture Officer, Asst. Director of Agriculture Office, Staff at coding center (CDA office- receiving referee samples), Lab. where 1st analysis was done (preserved sample), Referee lab where 2nd analysis was done, Referee lab (3rd analysis), but particularly framed charges on field staff which is not fair.

5. Further, he has stated that, Zinc Sulphate EDTA is supplied in sealed packs, taken in sealed packs as Act sample and in this case 0% possibility will be available to either alter the product in the sealed pack or to alter the label i.e., Batch No., Manufacturing Date & Quantity and hence requested the Government to drop the above said punishment of "Stoppage of (2) Annual Grade Increments with cumulative effect" imposed by the Commissioner of Agriculture, A.P., Guntur against the (26) Officers across the State.

6. In the reference 12th read above, the Government have sent all the Appeal Petitions to the Commissioner of Agriculture, A.P., Guntur, and requested to furnish Action Taken Report in detail, along with copies of all relevant documents for further action in the matter and accordingly, in the reference 13th read above, the Commissioner of Agriculture, A.P., Guntur has submitted his remarks stating that the changing of sample can be suspected as per the trend of results 1st, 2nd & 3rd analysis. There are many stake holders in this sampling procedure i.e., Manufacture, wholesaler, retailer, Mandal Agriculture Officer, Assistant Director of Agriculture, Staff at Coding centre, Commissioner & Director of Agriculture Office - receiving referee sample, FCO labs in concerned Zones. Hence, there is possibility of changing sample at any one of the many stages mentioned as above.

7. He has further stated that the Enquiry Officer also mentioned that "no procedural lapses were noticed". But as per the material/information available in the file one cannot confirm that these Charged Officers are only responsible; anyone involved in the process may be involved, which cannot be confirmed and opined that, this matter may not stand before law, if the aggrieved persons approach the Hon'ble Court.

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8. The Government have allowed the Petition of Agriculture Officers across the State as well the representation of the General Secretary, A.P. Agriculture Officers Association, Guntur and after consideration of the facts and circumstances and also after careful examination of the matter, decided to set aside the proceedings issued by the Commissioner of Agriculture, A.P., Guntur, vide references 1st to 9th read above, imposing the punishment of "Stoppage of (2) Annual Grade Increments with cumulative effect" against all the said (9) Officers mentioned at para-1 above and also to exonerate them from the Charges framed.

9. Accordingly, the Government hereby set aside the proceedings issued by the Commissioner of Agriculture, A.P., Guntur, vide references 1st to 9th read above, imposing the punishment of "Stoppage of (2) Annual Grade Increments with cumulative effect" against all the said (9) Officers mentioned in para-1 above and also exonerate them from the Charges framed.

10. The Commissioner of Agriculture, A.P., Guntur shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

POONAM MALAKONDAIAH
CHIEF COMMISSIONER, RBKs &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To:
The individuals concerned through the Commissioner of Agriculture,
A.P., Guntur.
The Commissioner of Agriculture, A.P., Guntur.

Copy to:
The Prl. Accountant General (A & E), A.P., Vijayawada.
The Director of Treasuries & Accounts, A.P., Vijayawada.
The District Treasury Officer, Vizianagaram/Visakhapatnam Districts.
The OSD to Minister for Agriculture, Cooperation, Marketing, Food Processing,
A.P., Amaravati.
The P.S. to Chief Commissioner, RBKs. & Spl.Chief Secretary to Govt., Agriculture,
A & C Dept., A.P. Secretariat, Amaravati.
Sf/Sc.

// FORWARDED BY ORDER//

SECTION OFFICER